

Application No. 09/781,110  
Amendment "B" dated August 2, 2005  
Reply to Office Action mailed July 13, 2005

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies that were extended during the recent in person interview held on Aug 10, 2005. The amendments made by this paper are consistent with the proposals discussed during the interview.

The Final Office Action, mailed July 13, 2005 considered and rejected claims 1-5,9-23, 25, 26 and 28-31. Claims 1-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al ( U.S. Publication No. 2003/0044165) in view of Knee et al. (U.S. Patent No. 6,014,184). Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. (U.S. Publication No. 2003/0044165) in view of Knee et al. (U.S. Patent No. 6,014,184) as applied to claim 1 above, and further in view of Wugofski (U.S. Patent No. 6,507,951).<sup>1</sup>

By this paper, claims 1 and 21 have been amended and new claims 32-33 have been added, such that claims 1-5,9-23, 25, 26 and 28-33 remain pending, of which claims 1, 21 and 32 are the only independent claims at issue.<sup>2</sup>

As discussed during the interview, the pending claims are generally directed to embodiments for automatically recording a fragmented program that includes a series of fragments that are temporally separated from each other and that have been designated as being related one to another. The method recited in claim 1, for example, includes the acts of:

providing a list of categories that include one or more fragmented programs for selection to a user;

upon receiving user selection of one of the categories, identifying with electronic program guide data each of one or more fragmented programs that corresponds to the selected category and that is scheduled to be displayed during a specific period of time, wherein the electronic program guide data used to identify the one or more fragmented programs includes a unique identifier that is specific to a fragmented program and is common to each fragment within a corresponding fragmented program and such that each

<sup>1</sup> Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

<sup>2</sup> Support for the new amendments is found in the specification, including the disclosure found on pages 4 and 17-18, as referred to during the interview.

Application No. 09/781,110  
Amendment "B" dated August 2, 2005  
Reply to Office Action mailed July 13, 2005

fragment corresponding to the fragmented program have a same unique identifier and that is distinguished from a program title;

displaying in a fragmented program list, each of the identified one or more fragmented programs corresponding to the selected category, wherein the fragmented program list only includes the identified one or more fragmented programs;

receiving user input requesting one or more of the displayed fragmented programs in the list to be recorded without requiring the user to separately identify each of the fragments associated with the fragmented programs;

in response to said user input selecting one or more of the displayed fragmented programs, examining the electronic program guide data and identifying each of the fragments corresponding to the selected one or more fragmented programs for each of the identified fragments, automatically determining a start time for the fragment and recording the fragment with the video recording apparatus when the fragment is aired.

Claims 21 and 26 are directed to corresponding systems and computer program products for implementing the method of claim 1.

As was generally agreed to during the interview, the cited art fails to anticipate or make obvious the claimed invention. In particular, while Wood and Knee disclose EPG schedule systems, and while the system of Wood can be used to record programming, these references clearly fail to disclose or suggest a system as claimed, wherein a list of categories is displayed and then, after selection of one of the categories, the system identifies each of one or more fragmented programs that corresponds to the selected category and that is scheduled to be displayed during a specific period of time. This is particularly true when considering the fragmented programs are identified with electronic program guide data that includes a unique identifier that is specific to a fragmented program and is common to each fragment within a corresponding fragmented program and such that each fragment corresponding to the fragmented program have a same unique identifier and that is distinguished from a program title.

In view of the foregoing, it was suggested that it might be inherently obvious to utilize such unique identifiers. However, as discussed during the interview, and as was finally generally agreed to during the interview, this is simply not true. For example, other means could also be used by systems to identify programming, such as a series name, common actor, etc.

Application No. 09/781,110  
Amendment "B" dated August , 2005  
Reply to Office Action mailed July 13, 2005

In view of the foregoing, the rejections of record are now moot, such that it is not necessary to address each of the other assertions of record in the last response. Nevertheless, Applicants reserve the right to challenge any of said assertions in the future. Accordingly, although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at least the same reasons. Accordingly, it is not necessary to individually address the rejections to each of the dependent claims at this time. Nevertheless, new dependent claim 32 will be addressed by the following remarks, as discussed during the interview, to even further distinguish the claimed invention over the art of record.

New claim 32 recites an embodiment in which the fragments of the fragmented programming are broadcast over a plurality of different networks. Such an embodiment is clearly neither anticipated nor made obvious in view of the art of record.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30 day of August, 2005.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 26,851  
JENS C. JENKINS  
Registration No. 44,803  
Attorney for Applicant  
Customer No. 047973

RDN:JCJ:ppa  
PPA0000000881V001